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SUBJECT: MARINE CASE UPDATE 07/20/2007

REF: MANILA 2115 AND PREVIOUS

¶1. (SBU) Lance Corporal Daniel J. Smith remains in U.S. custody on the Chancery grounds and continues to receive regular visits from his Philippine pastors and lawyers. Smith's two brothers arrived on July 19 for a one-week visit. The brothers are staying at a local hotel and plan to visit Smith each day.

¶2. (SBU) LCpl. Smith in good physical condition and has resumed a daily exercise routine. RSO and Post medical personnel coordinated his movements to and from a local hospital on July 10 for a routine check-up. Smith is in good spirits, especially since the arrival of his two brothers.

¶3. (SBU) Visiting Rear Admiral (RADM) James Kelly, Commander of the U.S. Naval Forces, Japan and USPACOM-Designated Commanding Officer (DCO) for the Philippines, met with the Mission's Marine Case Working Group on July 20 to discuss the Working Group's current assessment of the case, as well as to express appreciation for the successful interagency coordination on this issue at the Mission. RADM Kelly separately briefed the Ambassador on his responsibilities as DCO for the Philippines to protect the legal rights of U.S. Department of Defense personnel who may be subject to trial in foreign courts and imprisonment in foreign jails.

¶4. (SBU) The Philippine Solicitor General confirmed to Pol/C on July 18 that her office planned to file the government's appellate brief at the Court of Appeals within the next several weeks so as not to delay the judicial process. The defense lawyers will then have an additional 15 days to respond. The Court will have 90 days to reach a verdict. According to the Solicitor General, the Appeals Court verdict may come as early as September or October, but no later than January 2008, based on the maximum time periods allowed for filings.

¶5. (SBU) July 4 celebrations aboard the USS Peleliu triggered some rehashing of the Smith case on TV newscasts. Smith's brothers are not seeking media attention; the visit of Smith's parents in March did not lead to any media coverage.

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